

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

B. BRAUN MELSUNGEN AG &
B. BRAUN MEDICAL INC.,

Plaintiffs,

v.

TERUMO MEDICAL CORPORATION &
TERUMO CORPORATION,

Defendants.

Civil Action No.: 09-347-LPS

VERDICT FORM

A. Braun's Infringement Claims Against Terumo

1. Literal Infringement

Do you find that Braun has proven by a preponderance of the evidence that Terumo has literally infringed any of claims 1, 2, 8, 20, 21, and 28 of U.S. Patent No. 7,264,613?

YES _____

NO ☒ _____

- a. If you answered "Yes," please place a check mark next to the claims you found to be infringed.

Claim 1: <input type="checkbox"/>	Claim 20: <input type="checkbox"/>
Claim 2: <input type="checkbox"/>	Claim 21: <input type="checkbox"/>
Claim 8: <input type="checkbox"/>	Claim 28: <input type="checkbox"/>

(IF YOU ANSWERED "YES" AND FOUND LITERAL INFRINGEMENT OF ALL THE ASSERTED CLAIMS OF THE U.S. PATENT NO. 7,264,613 UNDER QUESTION 1 (I.E., CHECKED EACH BOX), YOU CAN SKIP QUESTION 2.)

2. Infringement Under the Doctrine of Equivalents

If you found that Terumo does not literally infringe some or all of the claims of U.S. Patent No. 7,624,613 in Question 1, do you find that Braun has proven by a preponderance of the evidence that Terumo has infringed any of claims 1, 2, 8, 20, 21, and 28 under the doctrine of equivalents?

YES ✓ NO

If you answered "Yes," please place a check mark next to the claims you found to be infringed under the doctrine of equivalents.

Claim 1: <u> </u>	Claim 20: <u>✓</u>
Claim 2: <u> </u>	Claim 21: <u>✓</u>
Claim 8: <u> </u>	Claim 28: <u>✓</u>

B. Terumo's Patent Invalidity Defenses Against the Asserted '613 Patent Claims**1. Written Description**

Do you find that Terumo has proven by clear and convincing evidence that any of claims 1, 2, 8-15, 17-19, 20-21 and 28 of the U.S. Patent No. 7,264,613 is invalid because the specification fails to satisfy the written description requirement?

YES _____

NO ✓ _____

If you answered "Yes," please place a check mark next to the claims you found to be invalid.

Claim 1: __	Claim 9: __	Claim 20: __
Claim 2: __	Claim 10: __	Claim 21: __
Claim 8: __	Claim 11: __	Claim 28: __
	Claim 12: __	
	Claim 13: __	
	Claim 14: __	
	Claim 15: __	
	Claim 17: __	
	Claim 18: __	
	Claim 19: __	

2. Obviousness

Do you find that Terumo has proved by clear and convincing evidence that any of claims 1, 2, 8-15, 17-19, 20-21 and 28 of the U.S. Patent No. 7,264,613 are invalid on the ground of obviousness?

YES ✓ NO

If you answered "Yes," please place a check mark next to the claims you found to be invalid.

Claim 1: <u> </u>	Claim 9: <u>✓</u>	Claim 20: <u>✓</u>
Claim 2: <u> </u>	Claim 10: <u>✓</u>	Claim 21: <u>✓</u>
Claim 8: <u> </u>	Claim 11: <u>✓</u>	Claim 28: <u>✓</u>
	Claim 12: <u>✓</u>	
	Claim 13: <u>✓</u>	
	Claim 14: <u>✓</u>	
	Claim 15: <u>✓</u>	
	Claim 17: <u> </u>	
	Claim 18: <u>✓</u>	
	Claim 19: <u>✓</u>	

ALL MEMBERS OF THE JURY SHOULD SIGN AND DATE BELOW TO INDICATE
THAT THE JURY HAS REACHED A UNANIMOUS VERDICT ON THESE QUESTIONS

Mary Jo Kulp
Foreperson

22 November 2010
Date

Wm T Marvel

22 November 2010

Robert C. [unclear]

22 November 2010

Patricia A Bartato

22 November 2010

Avon E. Barber

22 November 2010

[unclear]

Nov. 22, 2010

Ann Marie Hanapoh

22 November 2010

[unclear]

22 Nov. 2010